

Court on its own motion Vs. Union of India and others

Present : Mr. Satya Pal Jain, Additional Solicitor General of India, with
Mr. Dheeraj Jain, Senior Panel Counsel,
for the Union of India.

Mr. Atul Nanda, Advocate General, Punjab, with
Ms. Lavanya Paul, Assistant Advocate General, Punjab.

Mr. Baldev Raj Mahajan, Advocate General, Haryana, with
Mr. Deepak Balyan, Additional Advocate General, Haryana.

Mr. Pankaj Jain, Senior Standing Counsel, with
Mr. Namit Kumar, Additional Standing Counsel,
for Union Territory, Chandigarh.

(The aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in virtual Court).

The matter has been taken up suo motu by this Court in view of the alarming increase in the COVID-19 pandemic and the grave situation that has arisen as a result thereof. It is observed that the litigants are not able to get in touch with counsels who in turn are finding it difficult to prepare files and get the matters listed at an early date. The situation that has arisen demands that certain measures be taken up so as to ensure that during this crisis, generation of litigation can be controlled for some time. In this regard, valuable suggestions were called from the learned Additional Solicitor General of India; learned Advocate General, Punjab; learned Advocate General, Haryana; as well as learned Senior Standing counsel for the Union Territory, Chandigarh. All of them have submitted that the directions issued by the Madhya Pradesh High Court in this regard may be reiterated by this Court with modification that interim arrangements would extend upto 30.06.2021.

In view of the valuable suggestions that have come from the learned Additional Solicitor General of India; learned Advocate General,

Punjab; learned Advocate General, Haryana; as well as learned Senior Standing counsel for the Union Territory, Chandigarh, for which we extend our appreciation, the following directions are issued :-

- (i) that all the interim orders/directions issued or protection granted including any order requiring any compliance by the parties to such proceedings, passed by this Court or any other Court subordinate to it or any Family Court or Labour Court or any Tribunal or any other Judicial or Quasi Judicial forum, over which this Court has power of superintendence, which are subsisting today shall stand extended till 30th June, 2021;
- (ii) that it is further directed that the interim orders or directions of this Court or any Court subordinate to this Court, which are not of a limited duration and are meant to operate till further orders, shall continue to remain in force until modified/alterd/vacated by specific order of the Court concerned in a particular case;
- (iii) that the time for filing of written-statement or return in any Suit or proceeding pending before any Civil Court or any other forum, unless specifically directed, shall stand extended till 30th of June, 2021. It is however clarified that this will not preclude the parties from filing such written-statement or return before 30th June, 2021;
- (iv) that it is further directed that the orders of eviction, dispossession, demolition, etc. passed by this Court or any Court subordinate to it or any Tribunal or Judicial or Quasi Judicial forum, which have so far remained unexecuted, shall remain in abeyance till 30th of June 2021;

- (v) that interim protection given in the anticipatory bail applications by the High Court or Court of Sessions for a limited period, which is likely to expire from now up to 30th June, 2021, shall stand extended till 30th of June, 2021. However, any party aggrieved by the conduct of the accused on such interim protection, may move the Court seisin over the matter for discontinuation of such interim protection, if any prejudice is caused to him/her, in which event, the Court concerned shall be entitled to take independent view of the matter;
- (vi) that all the interim bails granted under Section 439, Cr.P.C. by the High Court or Courts of Sessions, limited by time-frame specifying an expiry date from now up to 30th June, 2021, shall stand extended till 30th June, 2021, subject to the accused not abusing such liberty or else it may be cancelled at the instance of the State or the complainant, on application with adequate proof of the abuse of the liberty so granted by the Court concerned;
- (vii) that parole granted to a person by order passed by a Court exercising the criminal jurisdiction and limited by time-frame specifying an expiry date from now up to 30th June, 2021, shall stand extended till 30th of June, 2021, subject to the condition specified in Point No.(vi) above;
- (viii) that unless there is necessity of arrest for maintenance of law and order or any other emergent case, in a cognizable offence prescribing sentence up to seven years imprisonment, the police shall desist from arresting the accused up to 30th of June, 2021, without complying with the provision of Section 41A, Cr.P.C. This however may not be understood as an interdict on the power of the police to arrest, but should only be considered a mere advisory in the face of the ongoing crisis following second wave of Coronavirus;

- (ix) that the State Governments, Union Territory, Chandigarh, or any of its Departments or any Municipal Corporation / Council / Board or any Gram Panchayat or any other local body or any other agency and instrumentality of the State shall not take any action for eviction and demolition in respect of any property, over which any citizen or person or party or any Body Corporate, has physical or symbolic possession as on today till 30th June, 2021;
- (x) that it is further directed that any Bank or Financial Institution shall not take action for auction in respect of any property of any citizen or person or party or any Body corporate till 30th June, 2021;
- (xi) that if the Government of Punjab, Haryana, Union Territory, Chandigarh, and/or any of its Departments and/or functionaries, Central Government and/or its departments or functionaries or any Public Sector Undertakings or any Public or Private Companies or any Firm or any individual or person is/are, by the order of this Court or any Court subordinate to it or the Tribunals, required to do a particular thing or carry out certain direction in a particular manner, in a time frame, which is going to expire at any time from now up to 30th June, 2021, the time for compliance of such order shall stand extended up to 30th June, 2021, unless specifically directed otherwise by the Court concerned;
- (xii) that in order to dispel any ambiguity, it is clarified that:-
- (a) those interim orders / directions, which are not for a limited duration and are to operate until further orders, shall by this order remain unaffected;

(b) that, in case extension of interim order(s) as per the present order passed by this Court, causes any undue hardship and prejudice of any extreme nature, to any of the parties to such proceeding(s), such parties would be at liberty to seek appropriate relief by moving appropriate application(s) before the Competent Court(s), Tribunal, Judicial or Quasi-Judicial Forum, and these directions shall not be taken as a bar for such Courts/Forums to consider such application(s) filed by the aggrieved party, on its own merit, after due notice and providing opportunity of hearing to the other side;

(c) that the directions enumerated above shall not preclude the States or Union Territory, Chandigarh or Central Government from moving appropriate application for vacation/modification of such order in any particular case for reason of overriding public interest;

(d) that all Courts, Tribunals, Judicial and Quasi-judicial authorities are directed to abide by these directions, and the parties seeking relief(s) covered by these directions can file hard copy or soft copy of this order before the competent court/forum, which shall be given due weightage.

Registry is directed to prominently publish this order in the official website of the Court and circulate the same to all the Courts, Tribunals, judicial and quasi-judicial authorities of the States of Punjab, Haryana and Union Territory, Chandigarh, over which this Court has power of superintendence. A copy each of this order be endorsed to learned Additional Solicitor General of

India; learned Advocate General, Punjab; learned Advocate General, Haryana; learned Senior Standing Counsel; Union Territory, Chandigarh; the Chairman of the Bar Council; President of the High Court Bar Association; and the Senior Advocates Association, Punjab and Haryana High Court. The order may also be sent to the Chief Secretaries of the States of Punjab and Haryana and the Advisor to the Administrator, Union Territory, Chandigarh, with a direction to issue the necessary communications to all administrative officers and police officers in all the districts of the States of Punjab and Haryana as well as Union Territory, Chandigarh.

The Registry is directed to give wide publicity to this order through Print and Electronic Media having wide circulation in both the States and the U.T., Chandigarh, so that the litigants may know about the order and do not rush to the Court for different relief(s) covered by these directions.

Let notice of these proceedings be issued to the States of Punjab and Haryana through their respective Chief Secretaries through their Advocate General, U.T. Chandigarh through the Home Secretary, through Senior Standing Counsel and Union of India through the Secretary, Ministry of Home Affairs, New Delhi and the Secretary, Ministry of Health and Family Welfare, Government of India, New Delhi, through the learned Additional Solicitor General.

This Court hereby appoints Shri Anupam Gupta, learned Senior Advocate, as *Amicus Curiae* to assist the Court in the matter. A copy of this

order be provided to him as well.

List this matter on 30th June, 2021 for further consideration.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(SUVIR SEHGAL)
JUDGE

April 28, 2021
ndj

